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November 12, 2021

BY ECF

The Honorable Norman K. Moon
United States District Court
Western District of Virginia
255 West Main Street
Charlottesville, VA 22902

Re: *Sines et al. v. Kessler et al.*, No. 3:17-cv-00072 (NKM) (JCH)

Dear Judge Moon:

As this Court is aware, Plaintiffs have taken multiple steps to streamline the trial. *See, e.g.*, ECF No. 1398. Further to that end, Plaintiffs intend to examine Defendants Christopher Cantwell and Jason Kessler when they are called as witnesses during Defendants' case-in-chief. Plaintiffs respectfully request that their case-in-chief remain open until the examinations of Defendants Cantwell and Kessler have been completed.

Plaintiffs are concerned that this time-saving approach may confuse the jury given that Plaintiffs have previously examined other Defendants during Plaintiffs' case-in-chief. To avoid any risk of confusion, Plaintiffs respectfully request that the Court issue the proposed explanatory instruction attached as Exhibit A in advance of the testimony of Defendants Cantwell and Kessler. Plaintiffs have conferred with Defendants regarding this approach and informed them that we would request the proposed instruction.

Respectfully submitted,



Roberta A. Kaplan
Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

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I hereby certify that on November 12, 2021, I also served the following by hand and electronic mail:

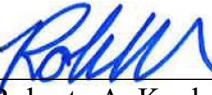
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